



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,019	06/01/2001	Mitchell T. Berg	29820.9	3234

500 7590 10/18/2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,019

Applicant(s)

BERG, MITCHELL T.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/03/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Johnson et al., (U.S. Patent 6788980).
3. Regarding claim 1, Johnson teaches an information processing system, comprising: a first computing device for:
 - selectively initiating execution of a software application by one of:
 - a. the first computing device if a state of at least one of the first computing device and a second computing device is a first state (Johnson, col.6, l.21-27); and
 - b. the second computing device if the state is a second state, the software application being associable with one or more software objects (Johnson, col.7, l.4-10).

4. Regarding claim 2, Johnson further discloses the system of claim 1 wherein the software application is a socket application (Johnson, col. 6, l.38-39, Java virtual machine performs the socket application – Java 1.1 3rd edition, 1997).
5. Regarding claim 3, Johnson further discloses the system of claim 1 wherein the state is a synchronized state of at least the first and second computing devices (Johnson, col.25, l.3-5).
6. Regarding claim 4, Johnson further discloses the system of claim 1 wherein the state includes information for identifying a group of software applications executed by the first and second computing devices (Johnson, col. 16, l.6-9).
7. Regarding claim 5, Johnson further discloses the system of claim 1 wherein the state indicates whether the software application has an associated listening socket (Johnson, col. 6, l.38-39, col.22, l.56).
8. Regarding claim 6, Johnson further discloses the system of claim 1 wherein the software application is a first software application, and wherein the first computing device is for: in response to execution of the first software application and the state, selectively initiating execution of a second software application by the second computing device (Johnson, col. 16, l.55-62)..
9. Regarding claim 7, Johnson further discloses an information processing system, comprising: a first computing device for:
 - executing a software application that is associated with at least one software object; and in response to a request for initiating execution of the software object, independent of the

software application, selectively initiating execution of the software object (Johnson, col. 16, l.19-61, col.21, l.56-60, col. 22, l. 56-67) by one of:

- the first computing device if a state of at least one of the first computing device and a second computing device is a first state (Johnson, col.16, l.55-62); and
- the second computing device if the state is a second state (Johnson, col.22, l.60-61).

10. Regarding claim 8, Johnson further discloses the system of claim 7 wherein the software application is a socket application (Johnson, col.21, l.46,, l.60-61, Java virtual machine performs the socket application – Java 1.1 3rd edition, 1997).
11. Regarding claim 9, Johnson further discloses the system of claim 7 wherein the state is a synchronized state of at least the first and second computing device (Johnson, col.25, l.3-5).
12. Regarding claim 10, Johnson further discloses the system of claim 7 wherein the first computing device is for coordinating a communication of information between the software application and the software object, even if the software object is executed by the second computing device (Johnson, col.25, l.7-9).
13. Claims 11-16 have similar limitation as claims 1-6. Therefore, claims 11-16 are rejected under Tadokoro for the same reason set forth in the rejection of claims 1-6.
14. Claims 17-20 have similar limitation as claims 7-10. Therefore, claims 17-20

are rejected under Tadokoro for the same reason set forth in the rejection of claims 7-10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Tang et al., (Patent No. 6298370) Computer Operating Process Allocating Tasks Between First and Second Processor at Run Time Based Upon Current Processor Load
- Mattaway et al., (Patent No. 6226678) Method and Apparatus for Dynamically Defining Data Communication Utilities
- So et al., (Patent No. 6179489) Devices, Methods; Systems and Software Products for Coordination of Computer Main Microprocessor and Second Microprocessor Coupled Thereto
- Kerr et al., (Patent No. 6105119) Data Transfer Circuitry DSP Wrapper Circuitry And Improved Processor Deices, Methods and Systems
- IEEE – Beestermoller, H.J. et al., An Online and Offline programmable Multi-Loop Controller for Distributed System, IEEE, 1994, pp. 15-20.

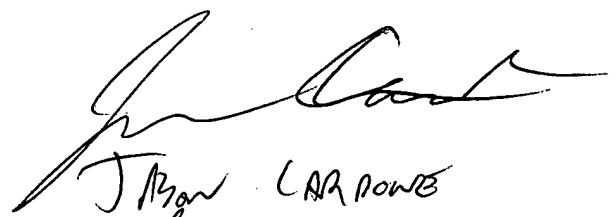
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyl
10/12/04


J. Brown CARPONE
PRIMARY EXAMINER
AU 2145